

REMARKS

Applicant has carefully considered the Examiner's Office Action and finds that the Examiner does not understand the disclosure of the reference patent to Corradini and its relationship to applicant's invention.

Thus, the part in column 5, lines 62 to 65 of the reference patent to Corradini, makes it clear that the calibrated ports 19 and 15 have a sudden widening at their lower end 20. This condition is clearly described in this part of the reference by "the compression and/or extension intervention can be adequately corrected by performing calibrated ports 19 and 15 of compression 16 and extension 12 valves, with through areas of lower end 20 suddenly increased."

Accordingly, it is provided there in this reference, that these additional cross-sectional widenings of the ports 19 and 15 have the effect of enlarging the flow-through surface for the fluid, and enlarging the circulation of the fluid, so that strong or weak braking effects are avoided. In this part of the reference, as well as the part cited by the Examiner, it is clearly described that the sudden widening at the lower end 20 belong to the calibrated ports 19 and 15. At the same time, the port 19 belongs to the compression valve 16, whereas the port 15 belongs to the suction valve 12.

In the present Office Action of March 3, 2004 on page 2, point 2, line 6, the Examiner has denoted the elements 12 and 16 to be shock absorbing components of the compression stage and the suction stage. This may be seen from the Examiner's comment, "including at least one shock-absorption component for the compression phase and for a decompression phase (see components 12 and 16), respectively."

Since the part of the Corradini reference (6,467,593) in column 5, lines 58 to 67, also cited by the Examiner, describes clearly that the ports 15 and 19 with their sudden widenings at

their ends 20 are parts of the components 12 and 16, the sectional drawing in Figure 1b of the ports 15 and 19 cannot be considered a separate constant bypass with constant cross-section and which are arranged parallel to the components 12 and 16.

The Examiner either views the components 12 and 16 as shock absorption components of the suction phase and the compression phase, or he views them, as noted in the Office Action, as components that are fixed bypass elements with non-variable flow-through cross-section, which are arranged hydraulically parallel to the damping elements of the suction phase and the compression phase.

Both of the preceding views cannot be held simultaneously or at the same time. The holding off both of these views at the same time, is not possible.

It is apparent, therefore, that the Examiner has erred in his understanding of the reference patent to Corradini.

In considering the reference patent to Corradini, furthermore, it is apparent that the sectional view shown in Figure 1b corresponds to the cross sections shown in Figures 10a-c, 11a-c, as well as Figures 12 and 13. In Figures 12 and 13, the reference numeral 20 particularly shows the position of the sudden widening of the cross-section. At the same time, Figures 12 and 13, as well as Figures 10 and 11, show the valve element 14 or 18 which covers more or less the flow cross-section 19 or 15.

This demonstrates that the ports 15 and 19 are ports of a variable damping element, and not a constant bypass having a non-variable flow-through cross-section. The only difference with respect to Figure 1b is that in this figure the valve element 14 or 18 is not shown. This was probably done to make it possible to show better the sudden cross-sectional widening at the lower end 20 of the ports 15 and 19.

It is submitted that the reference patent to Corradini does not disclose in any part thereof, that the arrangement shown in Figure 1b has a constant bypass with non-variable flow cross-section. It is also not disclosed in this reference patent to Corradini, whatsoever, that it may be possible to arrange such a constant bypass with non-variable flow cross-section.

It is also clearly described in the reference to the patent to Corradini in column 6, lines 41 to 43, that the calibrated ports 19 and 15 and/or the form of the flow cross-sectional widening 20 serve to fit or match the damping characteristic of the shock absorber and to vary this characteristic. These provisions in the reference patent to Corradini also make it clear that the element shown in Figure 1b is not a constant bypass with non-variable flow cross-section.

It is submitted, therefore, that the Examiner's understanding of the reference patent to Corradini is in error. This reference patent clearly does not disclose or anticipate applicant's invention.

The disclosure of the reference patent to Corradini does not correspond at all to applicant's arrangement, in view of the descriptions and the drawings that are provided in this reference patent.

The claims in the present application clearly do not read on the reference patent to Corradini.

It is submitted that applicant's invention differs materially from the reference patent to Corradini.

Since applicant's claims do not read on this reference patent to Corradini, it is believed that the claims should be found allowable in view of the misunderstanding of the reference patent to Corradini by the Examiner.

The Examiner has applied the reference patents to Jensen, Miller, and Nezu for disclosing an electrically controlled valve. Applicant, however, does not claim electrically controlled valve means per se. Applicant claims such means only

in combination with all of the other structure and limitations that are found in the base claim. As a result, these additional reference patents to Jensen, Miller and Nezu have no material bearing on applicant's invention, and they do not anticipate the novel features of applicant's arrangement.

It is submitted that when the reference patent to Corradini is correctly understood, it may be seen that the claims in the application do not read at all on this reference patent, even when combined with the three additional references, Jensen, Miller, and Nezu.

Applicant provides for a new and marked improvement over the prior art when taking into account the proper interpretation of the reference patent to Corradini.

It is believed, therefore, that the claims in the application should be found allowable.

Should the Examiner consider it advisable or require that the claims and/or specification be further amended or corrected in formal respects to place the application in condition for final allowance, then it is respectfully requested that such amendments be carried out by Examiner's Amendment, through a phone call to applicant's representative, and the case passed to issue.

Respectfully submitted,

I declare that this
Response of 5 pages is
being sent by fax to PTO
at (703)872-9306 on
May 2, 2004.

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